

No. PD-0967-17

PETER ANTHONY TRAYLOR,
 APPELLANT

v.

THE STATE OF TEXAS,
 APPELLEE

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FILED
 COURT OF CRIMINAL APPEALS
 11/9/2017
 DEANA WILLIAMSON, CLERK
 IN THE TEXAS COURT
 OF
 CRIMINAL APPEALS

STATE'S RESPONSE TO APPELLANT'S
MOTION FOR REASONABLE BAIL

COMES NOW, the State of Texas, by and through the Criminal District Attorney of Collin County, Greg Willis, and tenders this response opposing Appellant's Motion for Reasonable Bail Pending Final Determination of Appeal, filed on November 2, 2017.

Appellant is not entitled to bail at this point. The Code of Criminal Procedure authorizes bail pending final resolution of an appeal only when "a conviction is reversed by a decision of a Court of Appeals." Tex. Code Crim. Proc. art. 44.04(h). However, Appellant's conviction was not reversed. Appellant's conviction was reformed to a conviction for the lesser-included offense of second-degree burglary. *Traylor v. State*, __ S.W.3d __, No. 13-13-00371-CR, 2017 WL 3306357, at *1 (Tex. App.—Corpus Christi-Edinburg Aug. 3, 2017). Because Appellant's conviction was not reversed, he is not entitled to bail under Article 44.04(h).

Further, Appellant requests a bail of only \$3,000. Appellant's Motion at 2. He offers no evidence regarding an appropriate amount of bond or what amount he can afford, nor any argument in support of this low figure. Appellant currently stands convicted of a second-degree felony. It appears that his most recent bond before his conviction was \$500,000. CR 167. His bond should not be less now that he has actually been convicted and is simply awaiting sentencing.

WHEREFORE, premises considered, the State respectfully requests that the Court DENY Appellant's Motion for Reasonable Bail. In the alternative, the State requests a bail of no less than \$500,000.

Respectfully submitted,

GREG WILLIS

Criminal District Attorney
Collin County, Texas

JOHN R. ROLATER, JR.

Assistant Criminal District Attorney
Chief of the Appellate Division

/s/ Andrea L. Westerfeld

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CERTIFICATE OF SERVICE

A true copy of the State's Response to Appellant's Motion to Set Reasonable Bond has been electronically served on counsel for Appellant, Marc J. Fratter, mfratter@yahoo.com, on this, the 9th day of November, 2017.

/s/ Andrea L. Westerfeld

Andrea L. Westerfeld